

Article - Family Law

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§5–325.

(a) An order for guardianship of an individual:

(1) except as otherwise provided in this subtitle, § 4-414 of the Estates and Trusts Article, and § 2-123 of the Real Property Article, terminates a parent's duties, obligations, and rights toward the individual;

(2) eliminates the need for a further consent by a parent to adoption of the individual;

(3) grants a local department guardianship with the right to consent to the individual's adoption or other planned permanent living arrangement; and

(4) terminates the individual's CINA case.

(b) (1) Unless a juvenile court gives legal custody to another person, a child's guardian under this subtitle has legal custody.

(2) (i) Unless a juvenile court orders otherwise and subject to review by the juvenile court, a child's guardian may make all decisions affecting the child's education, health, and welfare, including consenting:

1. to adoption of the child;
2. to application by the child for a driver's license;
3. to enlistment by the child in the armed forces;
4. to marriage of the child; and

5. subject to subparagraphs (ii) and (iii) of this paragraph, to medical, psychiatric, or surgical treatment.

(ii) A child's guardian:

1. may have the child admitted to an inpatient psychiatric facility in accordance with the standards for emergency commitment in § 10-617 of the Health - General Article for not more than 20 days;

2. except as provided in item 1 of this subparagraph, may not place the child in an inpatient psychiatric facility without express authorization of the juvenile court.

(iii) 1. A child's guardian may not withhold or withdraw a life-sustaining procedure without the prior authorization of a juvenile court.

2. In deciding whether to grant authorization, a juvenile court shall apply the factors set forth in § 13-711(b) of the Estates and Trusts Article.

(3) A local department shall notify a juvenile court, a child's attorney, and the attorney for each other party who has not waived the right to notice:

(i) within 2 business days after the child's placement changes or the time required under § 5-326(b) of this subtitle, whichever is shorter;

(ii) within 2 business days after the child is placed in a psychiatric facility; or

(iii) within 2 business days after the child is absent from a placement for more than a week.

(4) A local department shall give a child's attorney the child's new address and telephone number within 2 business days after the address or telephone number changes.

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